

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARMEN GOMEZ

Case No.: 1:13-CV-07395

Plaintiff,

-against-

INOVISION-MEDCLR PORTFOLIO GROUP, LLC.,
PETER T. ROACH & ASSOCIATES, P.C.,
KIRSCHENBAUM, PHILLIPS & ROACH, P.C.
TIMOTHY MURTHA
LVNV FUNDING, LLC
RESURGENT CAPITAL SERVICES, LP
NCO FINANCIAL SYSTEMS, INC.

Defendants.

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DECLARATION OF AHMAD KESHAVARZ IN RESPONSE TO DEFENDANTS' LVNV
FUNDING, LLC AND RESURGENT CAPITAL SERVICES, LP (THE "RESURGENT
DEFENDANTS") MOTION FOR SUMMARY JUDGMENT [DE 62]

NOW COMES Ahmad Keshavarz and pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct.

1. I am the attorney for Plaintiff Carmen Gomez.
2. I submit this declaration in support of Plaintiff's Opposition to the Resurgent Defendants Rule 56 Motion for Summary Judgment.
3. Annexed hereto as "Exhibit A " is a true and correct copy of Plaintiff's pleadings in the underlying collections lawsuit, *Inovision-Medclr Portfolio Group, LLC v. Carmen Gomez*, index number CV-46016/05-BX.
4. Annexed hereto as "Exhibit B" is a true and correct copy of Plaintiff Carmen Gomez's January 23, 2015 Declaration.
5. Annexed hereto as "Exhibit C" is a true and correct copy of an affidavit stating

that Chase Bank's principal place of business is and has been in Delaware.

6. Annexed hereto as "Exhibit D" is a true and correct copy of a restraining notice and information subpoena sent to Carmen Gomez.
7. Annexed hereto as "Exhibit E" is a true and correct copy of Defendant Timothy Murtha's October 24, 2014 deposition transcript.
8. Annexed hereto as "Exhibit F" is a true and correct copy of Defendant Timothy Murtha's Deposition Transcript in the suit *Khan v. Midland Funding, LLC et al.* No. 1:12-CV-08462-RJS (S.D.N.Y).
9. Annexed hereto as "Exhibit G" is a true and correct copy of a letter dated December 5, 2012 from Plaintiff to Peter T. Roach and Associates, P.C "PTR".
10. Annexed hereto as "Exhibit H" is a true and correct copy of a letter dated December 11, 2012 from PTR to Plaintiff.
11. Annexed hereto as "Exhibit I" is a true and correct copy of a letter dated January 20, 2013 from Kirschenbaum, Phillips and Roach, P.C. "KPR" to Plaintiff.
12. Annexed hereto as "Exhibit J" is a true and correct copy of letter dated January 30, 2013 from Plaintiff to KPR.
13. Annexed hereto as "Exhibit K" is a true and correct copy of documents reflecting income executions and garnishments of Plaintiff's account.
14. Annexed hereto as "Exhibit L" is a true and correct copy of the NYS Unified Court System Case Detail for *Inovision-Medclr Portfolio Group, LLC v. Carmen Gomez*, index number CV-46016/05-BX.

15. Annexed hereto as “Exhibit M” is a true and correct copy of documents produced by NYC Marshal Ronald Moses reflecting income executions and garnishments against Plaintiff.
16. Annexed hereto as “Exhibit N” is a true and correct copy of screen shots of Plaintiff’s cell phone reflecting calls made to her on certain dates.
17. Annexed hereto as “Exhibit O” is a true and correct copy of Defendant Timothy Murtha’s Deposition November 11, 2014 deposition transcript.
18. Annexed hereto as “Exhibit P” is a true and correct copy of a publicly filed document by LVNV Funding LLC (“LVNV”) reflecting its balance sheet.
19. Annexed hereto as “Exhibit Q” is a true and correct copy of is a true and correct copy of a publicly filed document by Resurgent Capital Services, LP (“Resurgent”) reflecting its balance sheet.
20. Annexed hereto as “Exhibit R” is a January 23, 2015 declaration of Ahmad Keshavarz including true and correct copies of Resurgent and LVNV’s webpages.
21. Annexed hereto as “Exhibit S” is a true and correct copy of PTR and KPR’s joint discovery answers in this action.

Respectfully submitted,
/s/
Ahmad Keshavarz
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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Defendants LVNV Funding, LLC and Resurgent Capital Services, LP
By and through their attorneys of record
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Dated: Brooklyn, NY
January 24, 2015
/s/
Ahmad Keshavarz